

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|-------------------------------|---|--------------------------------|
| LAURA PITTMAN, |) | |
| |) | |
| Plaintiff, |) | FILED: AUGUST 14 , 2008 |
| |) | 08CV4625 |
| vs. |) | No. JUDGE LEINENWEBER |
| |) | MAGISTRATE JUDGE DENLOW |
| PRO SOURCE MOTORSPORTS, INC., |) | |
| |) | |
| Defendant. |) | AEE |

COMPLAINT

NOW COMES Plaintiff, LAURA PITTMAN ("Plaintiff"), by and through her attorneys, KROHN & MOSS, LTD., complaining against Defendant, PRO SOURCE MOTORSPORTS, INC. ("Defendant"), and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Odometer Requirements Act, 49 U.S.C. § 32107, et seq. and 625 ILCS 5/3-112.1.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Odometer Requirements Act, 15 U.S.C. § 1989 (b) which gives this court subject matter jurisdiction.

FACTS COMMON TO ALL COUNTS

3. The Plaintiff, LAURA PITTMAN ("Plaintiff") was at all times relevant hereto residing in the state of Illinois.

4. The Defendant, PRO SOURCE MOTORSPORTS, INC. ("Seller") is a business corporation engaged in the sale of motor vehicles and related services and accessories. Seller is authorized to and conducts business in the state of Illinois.

5. On or about May 23, 2008, Plaintiff purchased from Seller a used 2005 Honda Ridgeline ("Ridgeline") for valuable consideration (See purchase documents, attached hereto as Exhibit "A").

6. Prior to and at the time of Plaintiff's purchase, Seller, acting through its duly authorized agents and salesperson, Russell Ott, made numerous representations to Plaintiff regarding the Ridgeline, including the following:

- a. That the Ridgeline had been driven twenty-five thousand (25,000) miles (See sale listing on EBay Motors for the Ridgeline, attached hereto as Exhibit "B").

7. In making the aforementioned representation, Seller misrepresented, suppressed, omitted and/or concealed the following material facts from Plaintiff, with the intent Plaintiff rely on said misrepresentations, suppressions, omissions and/or concealments:

- a. that the Ridgeline had not been driven only twenty-five thousand (25,000) miles;
- b. that the Ridgeline's odometer had been replaced or rolled back to show only twenty-five thousand (25,000) miles; and,
- c. that the Ridgeline had traveled an amount of miles substantially in excess of twenty-five thousand (25,000) miles (See copy of Fuller's receipt evidencing excess mileage, attached hereto as Exhibit "C").

8. Seller failed to inform Plaintiff that the twenty-five thousand (25,000) miles as represented by Defendant was not the actual mileage as required on the Odometer Disclosure Statement (See Exhibit "B").

9. Had Plaintiff known Seller's representations as stated above were untrue, or had Plaintiff known the true condition of the Ridgeline, Plaintiff would not have purchased the Ridgeline.

10. Plaintiff exercised all due diligence and reasonably relied on Seller's representations.

11. Seller had either actual knowledge or reasonably should have known the falsity of its representations, or acted in reckless disregard for the truth or falsity of its representations.

12. Seller intended to induce Plaintiff's reliance on Seller's pre-sale representations.

13. Plaintiff suffered actual damages in reliance on Seller's misrepresentations, including:

- a. purchase of an automobile which failed to conform to the basis of the bargain as it was not worth the amount as represented;
- b. loss of all moneys expended towards the purchase of the Ridgeline; and,
- c. severe aggravation and inconvenience.

14. Plaintiff's actions of purchasing an automobile from Seller are akin to all consumers' actions and thus concern all consumers.

15. Seller's misrepresentation of and/or failure to disclose the true condition of the Ridgeline involve consumer protection concerns, as Seller holds itself out to be a place of business where consumers can come to purchase automobiles and related services.

16. The requested relief is in the best interest of all consumers, as if the requested relief is granted, Seller will be discouraged from engaging in conduct similar to that alleged fraudulent in this Complaint.

COUNT I
VIOLATION FEDERAL ODOMETER REQUIREMENTS ACT-
SELLER

17. Plaintiff re-alleges and incorporates by reference as though fully set forth herein, paragraphs 1-16 of this Complaint.

18. Seller's actions as stated above constitute a violation of the Federal Odometer Requirements Act, 49 U.S.C. 32701 et. seq.

WHEREFORE, Plaintiff requests that the Court:

- a. Enter judgment against Seller for actual, statutory, punitive and other damages to which Plaintiff is entitled;
- b. Award attorneys fees, litigation expenses and costs; and
- c. Grant other relief deemed just and appropriate.

COUNT II
ILLINOIS ODOMETER FRAUD
SELLER

19. Plaintiff re-alleges and incorporates by reference as though fully set forth herein, paragraphs 1-16 of this Complaint.

20. Seller's actions as stated above constitute violations of Illinois State law, 625 ILCS 5/3-112.1.

WHEREFORE, Plaintiff requests that the Court:

- a. Enter judgment against Seller for all actual, statutory and punitive damages to which Plaintiff is entitled;
- b. Award attorneys fees, expenses of litigation and costs; and
- c. Grant other relief deemed just.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,
LAURA PITTMAN

By: s/Gregory H Moss
Attorney for Plaintiff

KROHN & MOSS, LTD.
Attorneys for Plaintiff
120 West Madison Street, 10th Floor
Chicago, IL 60602
(312) 578-9428

EXHIBIT A

PRO SOURCE MOTORSPORTS

WWW.PROSOURCEMOTORSPORTS.COM
 630 EAST US ROUTE 6
 MORRIS, IL 60450
 815-941-9258

Sales Deal Summary

Deal Number: 1006723

Date: 5/24/2008

Delivery Date: 5/23/2008

Finalized Date:

First Payment Due: 6/22/2008

Customer:

PITMAN, LORI
 827 B RATTEN AVE
 MARSEILLES, IL 61341
 1-815-795-2753 1-815-252-7143

| | | | | | | |
|--------------------|----------------|-------------|-------------|--------------|-------------------|-------------------|
| Major Units | Stock # | Year | Make | Model | Model Name | VIN |
| | H513474 | 2008 | HONDA | RIDGELINE | | 2HJYK16536H513474 |

Major Units

| | |
|--------------------------------|--------------------|
| Unit | \$20,000.00 |
| Freight | \$0.00 |
| Handling | \$0.00 |
| Total Unit | \$20,000.00 |
| Parts and Accessories | \$0.00 |
| Installation | \$0.00 |
| Total Parts and Install | \$0.00 |
| Shipping | \$0.00 |
| U.V.I. | \$268.00 |
| Delivery | \$0.00 |
| | \$0.00 |
| | \$0.00 |
| Total Dealer Defined | \$268.00 |

Fees & Insurance

| | |
|------------------------------|-------------------|
| Vehicle Tax | \$1,276.13 |
| Sales Tax | \$0.00 |
| Doc Fees | \$150.00 |
| License Fees | \$105.00 |
| Total Fees | \$1,531.13 |
| Service Contract | \$0.00 |
| Prop / Liab Insurance | \$0.00 |
| Credit Life | \$0.00 |
| Accident / Health | \$0.00 |
| | \$0.00 |
| | \$0.00 |
| Total Insurance Taxes | \$0.00 |
| Total Insurance | \$0.00 |
| Etching | \$0.00 |
| Pre-Paid Maintenance | \$0.00 |
| C.C. fee | \$0.00 |
| Acquisition Fee | \$0.00 |
| Gap | \$0.00 |
| Tire & Wheel | \$0.00 |
| Total Dealer Defined | \$0.00 |

Down Payment

| | |
|---------------------------|---------------|
| Total Previous Payments | \$0.00 |
| Additional Pmt Today | \$0.00 |
| Deferred Payment | \$0.00 |
| | \$0.00 |
| Manuf to Cust Rebate | \$0.00 |
| Total Down Payment | \$0.00 |
| Trade Allowance | \$0.00 |
| Less Trade Payoff | \$0.00 |
| Trade Equity | \$0.00 |

Financing

| | | | |
|--------------------------|--------------------|------------------------|---------------|
| Total Price | \$21,799.13 | Term | 0 |
| Less Down | \$0.00 | APR | 0.000% |
| Amount Financed | \$21,799.13 | Add-on | 0.0% |
| Finance Charge | \$0.00 | Extra | 0.0% |
| Total of Payments | \$21,799.13 | Monthly Payment | \$0.00 |



Illinois Department of Revenue

ST-556

(R-7/06)

Sales Tax Transaction Return
 (For Vehicles, Watercraft, Aircraft, Trailers,
 and Mobile Homes)

Tax return no.:
 IBT no.:
 Taxable location no.:
 Taxable location name:
 Dealer's license no.:
 Rev: 04
 Form: 016

Do not write above this line.

| | | | | | | |
|----|----|----|----|----|--|--|
| NS | CA | ED | RC | TL | | |
|----|----|----|----|----|--|--|

CHRYSLER INC
 1000 N. LAKE ST
 CHRYSLER GROUP LLC
 1000 N. LAKE ST
 CHRYSLER GROUP LLC
 1000 N. LAKE ST

1 Write the buyer's name and address

Name(s) PITMAN, LORI
 Street 827 B RATTEN AVE City MONSIELES State IL ZIP 61841

2 Describe the item sold

☐ A Vehicle ☐ B Watercraft ☐ C Aircraft
☐ D Trailer ☐ E Mobile Home ☐ F _____

☐ New ☒ Used
Identification no. 280VW16535H513474Year 2005 Make HONDABody style and model RIDGELINE**3 Write the date of delivery**

(This return is due no later than 20 days after the date of delivery.)
 Month / day / year

4 Describe the trade-in, if anyItem traded in Identification no. Year Make Body style and model **5 Exempt or sale to a nonresident**

If so, check the correct box below, and see instructions for Section 6.

☐ A Nonresident buyer (NOT an out-of-state dealer) See instructions.
 drive-away permit no./lic. plate no. state
☐ B Sold for resale to a DEALER
 (Write either the Illinois dealer's IBT no. or "Out-of-state dealer")

☐ C Exempt organization (government, school, religious, or charitable)
 tax-exempt no. E-
☐ D Sold to an interstate carrier for hire for use as rolling stock
 Certificate of authority no.
☐ E Sold for rental use
 buyer's IBT no.
☐ F Other (describe)

Under penalties of perjury, we state that we have examined this return,
 including any schedules and statements, and to the best of our knowledge, it
 is true, correct, and complete. If the seller has taken a qualified trade-in, we
 also state that the buyer has properly assigned and surrendered the title of
 the trade-in to the seller.

Signature of buyer(s) Date
 Signature of seller Date

6 Write the price, and figure the tax (Round to nearest dollar)

You must complete Lines 1 and 2 even if no tax is due.

1 Total price (include accessories, federal excise taxes,
 freight and labor, dealer preparation, documentary fees,
 and dealer-reimbursed rebates or incentives). \$20,150.00

2 Total trade-in credit or value. \$0.00

3 Amount subject to tax [Line 1 - Line 2] \$20,150.00

4 Tax [Line 3 X 0.0625] (If you made this sale
 from a temporary sales location, see the instructions.) \$1,259.38

5 Use tax for certain districts - (see instructions)

Do not report home rule use tax below.

a. County b. City c. Township \$0.00

6 Total tax [Line 4 + Line 5] \$1,259.38

7 Retailer's allowance if filed on time
 [Line 6 X 0.00] \$0.00

8 Net tax due [Line 6 - Line 7] \$1,259.38

9 Prior overpayment (see instructions) \$0.00

10 Credit for previously paid tax (see instructions) \$0.00

On the line below, write the tax return number
 of the Form ST-556 on which you previously
 paid tax to an Illinois dealer.

Tax return no.

11 Excess tax collected. \$0.00

12 Total tax due
 [Line 8 - Line 9 - Line 10 + Line 11] \$1,259.38

13 Credit memorandum (see instructions) \$0.00

14 Amount due [Line 12 - Line 13] \$1,259.38

Dealer's check no.

Do not write below this line.

Date received by Illinois state government **Copy 3 - Purchaser's**

EXHIBIT B

eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma... http://cgi.ebay.com/ebaymotors/Honda-Ridgeline_W0QQitemZ310...

Printer Version: All | Summary

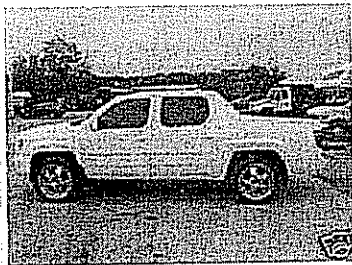


Listed In category: eBay Motors > Cars & Trucks > Honda > Ridgeline

2005 Honda Ridgeline

Item number: 310052411681

Honda : Ridgeline



Starting bid: **US \$20,000.00**
Get low monthly payments

Shipping: See item description for shipping details.
Sells to: United States
Item location: MORRIS, IL, United States

Ended: **May-24-08 12:48:27 PDT**
History: 0 bids

Seller: prosourceliquidators (173 ☆)
Store: **PRO SOURCE MOTORSPORTS**
Feedback: **173 (100% positive)**
Member: since Oct-15-03 in United States

This vehicle comes with up to \$50,000 in fraud protection**2005 Honda Ridgeline**

Title: ***2005 Ridgeline LOADED!Leather!CLEAN! No Reserve***
Mileage: 25,000 miles
Location: MORRIS, IL

Vehicle Information

VIN: 2HJYK16536H513474 | Get the Vehicle History Report
Inspection: Order an independent inspection
Warranty: No
Vehicle title: Clear
Condition: Used
For sale by: Dealer

Features

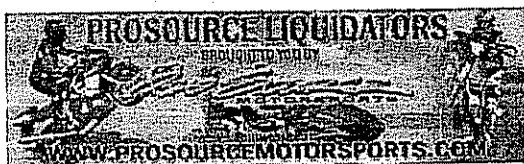
Body type: SUV Engine: 6 Cylinder Exterior color: White

eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma... http://cgi.ebay.com/ebaymotors/Honda-Ridgeline_W0QQitemZ310...

Transmission: Automatic **Fuel type:** Gasoline **Interior color:** Gray
Cab type (for trucks only): Crew cab

Options

| | | |
|----------------|------------------|------------------|
| Sunroof | Leather seats | Cassette player |
| CD player | 4-Wheel drive | Anti-lock brakes |
| Driver airbag | Passenger airbag | Air conditioning |
| Cruise control | Power locks | Power windows |
| Power seats | | |

Description (revised)**PRO SOURCE MOTORSPORTS**Visit my eBay Store: **PRO SOURCE MOTORSPORTS**

PRE-OWNED UNITS | CLOSE OUTS | Other |
 SUZUKI ATV ACCESSORIES | New Units

[Add to Favorite Stores](#)**Vehicle Description****Fully Loaded 2005 Honda Ridgeline**

ProSource Motorsports Morris, IL 815-941-9258

White with tan/grey leather interior

20" custom wheels

stock wheels also included

4 Door

AM/FM/CD/GPS/Satellite radio

truck bed cover

storage under truck bed

Has power everything:

windows

locks

seats

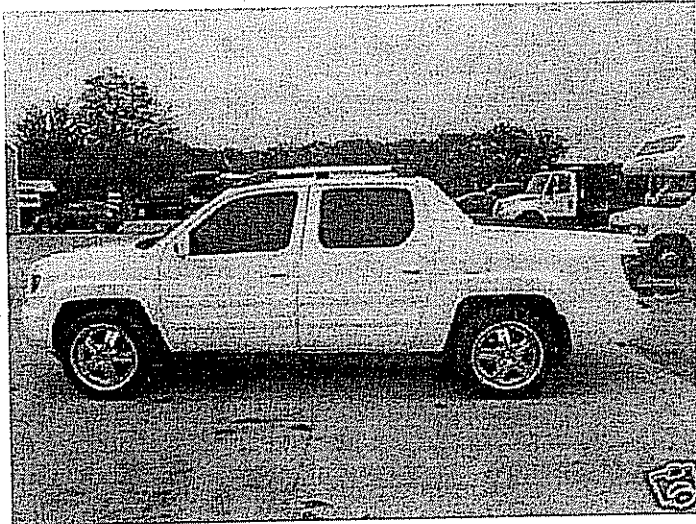
sunroof

This vehicle had been very well maintained, dealer owned.

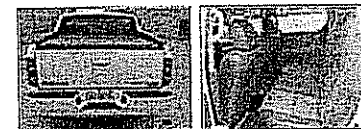
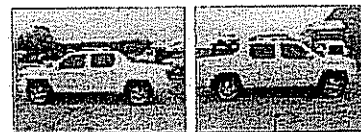
eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma... http://cgi.ebay.com/ebaymotors/Honda-Ridgeline_W0QQitemZ310...

Illinois residents pay tax, title, and doc fee. AZ, CA, FL, HI, IN, MA, MI, SC, VT residents pay tax and doc fee. All other residents pay doc fee. Buyer is responsible for shipping and/or delivery charges. If you have any questions about the vehicle or fees, please contact us prior to bidding. We are a licensed dealer out of the suburbs of Chicago, IL. We are open 7 days a week to answer all of your questions. For more information, or to schedule a test drive, call 815-941-9258 and ask for eBay sales dept.

Enlarge this picture



Select a picture



00158

Shipping, payment details, and return policy

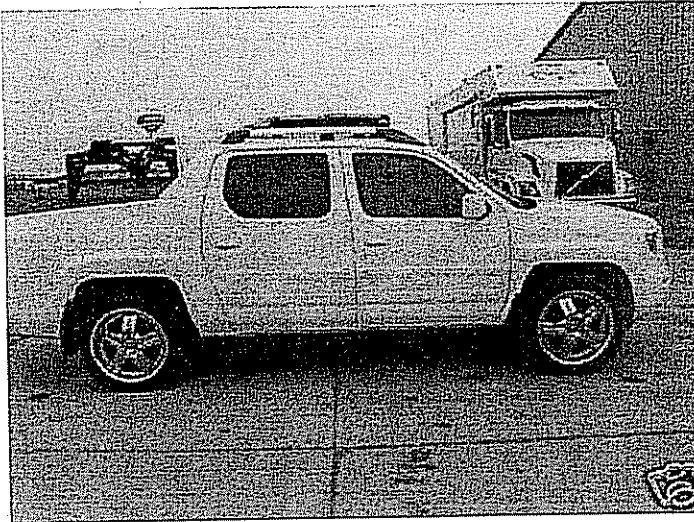
Pickup & Shipping

See item description for shipping details.

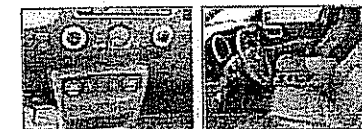
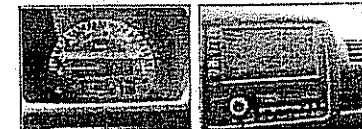
eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma. file:///C:/Documents%20and%20Settings/Dad/My%20Documents/...

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00158

Shipping, payment details, and return policy

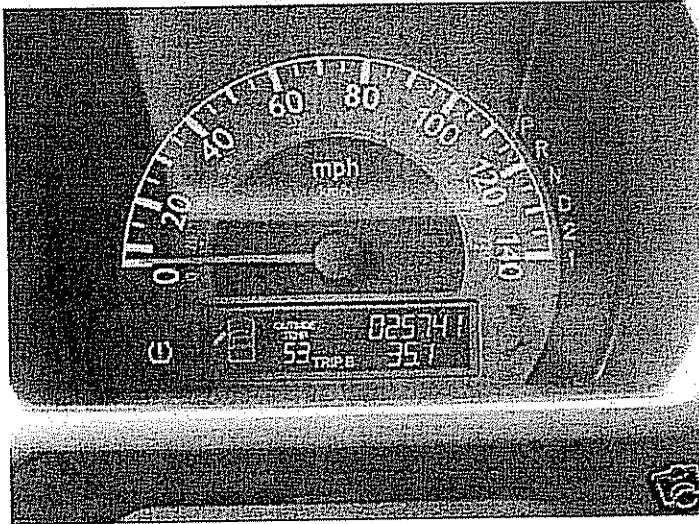
Pickup & Shipping

See item description for shipping details.

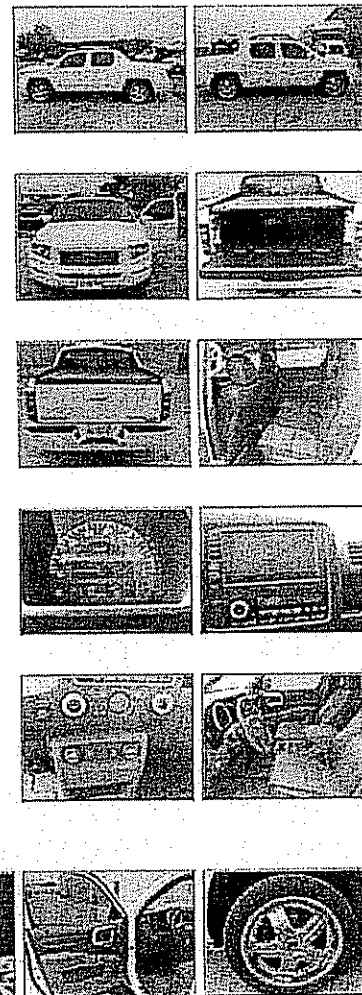
eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma... http://cgi.ebay.com/ebaymotors/Honda-Ridgeline_W0QQitemZ310...

Illinois residents pay tax, title, and doc fee. AZ, CA, FL, HI, IN, MA, MI, SC, VT residents pay tax and doc fee. All other residents pay doc fee. Buyer is responsible for shipping and/or delivery charges. If you have any questions about the vehicle or fees, please contact us prior to bidding. We are a licensed dealer out of the suburbs of Chicago, IL. We are open 7 days a week to answer all of your questions. For more information, or to schedule a test drive, call 815-941-9258 and ask for eBay sales dept.

Enlarge this picture



Select a picture



00158

Shipping, payment details, and return policy

Pickup & Shipping

See item description for shipping details.

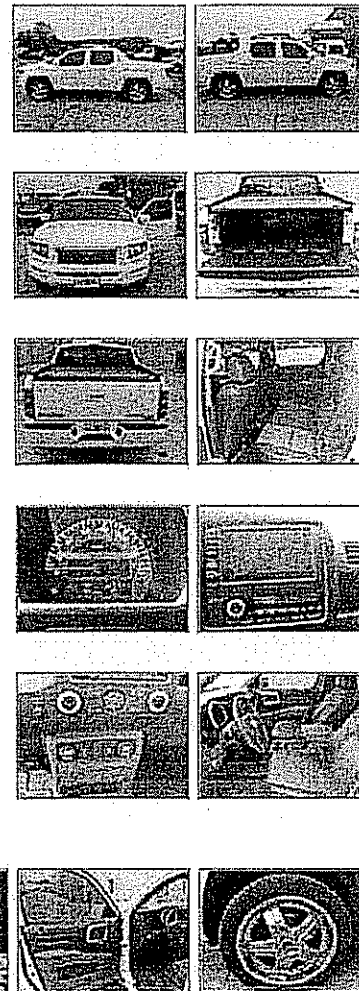
eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma... file:///C:/Documents%20and%20Settings/Dad/My%20Documents/...

Illinois residents pay tax, title, and doc fee. AZ, CA, FL, HI, IN, MA, MI, SC, VT residents pay tax and doc fee. All other residents pay doc fee. Buyer is responsible for shipping and/or delivery charges. If you have any questions about the vehicle or fees, please contact us prior to bidding. We are a licensed dealer out of the suburbs of Chicago, IL. We are open 7 days a week to answer all of your questions. For more information, or to schedule a test drive, call 815-941-9258 and ask for eBay sales dept.

Enlarge this picture



Select a picture



00158

Shipping, payment details, and return policy

Pickup & Shipping

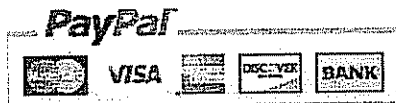
See item description for shipping details.

Seller's payment instructions

IL residents pay tax, title and doc fee. Out of state residents pay all applicable taxes and doc fee. Buyer responsible for shipping or delivery fees

Deposit via PayPal

US \$500.00 within 72 hours of auction close.

**Payment methods accepted**

- Personal check
- Cashier's Check (certified from US or Canadian bank) or money order
- Loan check
- Cash (in person)

Full payment

Required within 10 days of auction close.

Seller assumes all responsibility for listing this item.

Having trouble printing this page?

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EXHIBIT C

Fuller's Carwash of Geneva
 1122 E State St
 Geneva, IL 60134
 630 845-0055

Lube Invoice & Recommendations

**41083G-IL****CUSTOMER & VEHICLE INFO**

me: OTT, RUSSELL
 Address: 1N292 BUNGINGS ROAD
 GENEVA, IL 60134

Ph#:

Vehicle: 2006 Honda Ridgeline (White)

Engine: 6Cyl 3.5L EFI(335A9) (L)

VIN#:

Odometer: 79,409

Invoice Printed on: 10/08/2007, 04:15 PM

NOTES

All service is indicated by the SERVICE light. Read service
 mbol on console and service accordingly

SERVICE HISTORY

| Date | Age | Miles | Age | Services |
|----------|-----|--------|-----|-----------------|
| 10/08/07 | | 79,409 | | FSOilCh, Wipers |
| 07/05/07 | 3mo | 73,957 | 5k | FSOilCh |
| 02/18/07 | 8mo | 68,575 | 11k | FSOilCh |

614513474

SERVICES PERFORMED**SALE INFO / RECEIPT**

ube Chassis
 iper Blades
 ont Diff. Fluid
 ear Diff. Fluid
 erpentine Belt Chk
 ir Filter
 reather
 CV Valve
 abin Air Filter
 ransmission Fluid
 rake Fluid
 ower Steering Fluid
 oolant
 ont Tire Pressure
 ear Tire Pressure
 ights
 inshld Washer Fluid
 indshield Cleaned

Zerks: 0
 Replaced Passenger*
 Checked-OK
 Checked-OK
 Checked-OK
 Checked-OK
 N/A
 Checked-OK
 N/A
 Checked-OK
 Added
 Checked-OK
 Checked-OK
 PSI: 35
 PSI: 35
 Checked-OK
 Added
 Completed

Sale # 43047046145**10/08/2007, 04:15 PM**

10/08/2007 04:23 PM

1M17432985-001

439593

| Qty | Description | Amount |
|-----|---------------------|--------|
| 1 | FS Oil Change | 33.95 |
| 1 | 19 Point Inspection | |
| 1 | Environmental Fee | 1.50 |
| 1 | MILEOF:MO7317 | 0.00 |
| 4.5 | Castrol GTX 5w20 | 0.00 |
| 1 | Detail Package 3 | 169.95 |
| 1 | WIPER:BMEB22 | 11.95 |
| 1 | WIPER:BMEB24 | 12.95 |

Subtotal: 230.30**Tax: 2.66****Total: 232.96****VISA**

VS XXXX XXXX XXXX 5412
 Approval #: 095900

NEXT SERVICE**01/06/2008 or 82,409 miles**

Thank you for visiting Fullers Fast lube!

Stop in and visit our new gas station

And Cafe Featuring Chicago style hot dogs

Hot Italian beef sandwiches and more!!!

I will not hold this service center responsible for any pre-existing
 conditions or untimely/improper prior maintenance of this vehicle.

Lube Btm Tech (LB):

Lube Top Tech (LT):

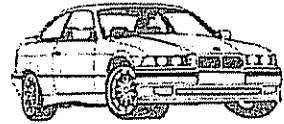
Fuller's

AUTOMOBILE DETAIL CENTERS

GENEVA, IL
OAK LAWN, IL
MOKENA, IL
PALOS HEIGHTS, IL
COUNTRYSIDE, IL
HINSDALE, IL
AURORA, IL
WESTMONT, IL
ELK GROVE, IL
DES PLAINES, IL

1122 E. STATE STREET
4750 W. 103RD ST.
19510 LA GRANGE ROAD
117th & SOUTHWEST HWY
BRAINARD & PLAINFIELD
LINCOLN & CHICAGO AVE.
2850 OGDEN AVENUE
417 W. OGDEN AVE.
HIGGINS & LIVELY
ELMHURST & ALGONQUIN

(630) 845-0055
(708) 422-7500
(708) 478-8900
(708) 361-3060
(708) 482-7888
(630) 325-0088
(630) 898-9274
(630) 663-1600
(847) 640-8228
(847) 952-9030



DONE ✓

| | | | |
|-------------------------|---------------------------|-----------------------|--------------------|
| NAME <u>OTT RUSSELL</u> | | DATE <u>10-08-07</u> | |
| ADDRESS | | | |
| MAKE <u>HONDA</u> | MODEL <u>RIDGELINE</u> | YEAR <u>2006</u> | RECEIVED A.M. P.M. |
| LICENSE NO. | SPEC. INSTRUCTIONS | | PROMISED A.M. P.M. |
| WRITTEN BY | TECHNICIAN <u>Squacco</u> | PHONE <u>715-5825</u> | |

FULL SERVICE DETAILING

DETAIL PACKAGE 1

☐ **Deluxe Meguiar's Paste Wax** - Full service Soft Cloth car wash, Wax paint finish, Exterior chrome and trim cleaned and polished, Doors, hood and trunk jams cleaned, Wheels and tires cleaned, Armor All tires, bumpers and dash board.

DETAIL PACKAGE 2

☐ **Deluxe Paint Restoration** - Full service Soft Cloth car wash, Paint restoration (clean and polish paint finish), Wax paint finish, Exterior chrome and trim cleaned and polished, Doors, hood and trunk jams cleaned, Wheels and tires cleaned, Armor All tires, bumpers and dash board.

DETAIL PACKAGE 3

☒ **Super Protection** - Full service Soft Cloth car wash, Wax paint finish, Exterior chrome and trim cleaned and polished, Doors, hood and trunk jams cleaned, Wheels and tires cleaned, Armor All tires and bumpers, Complete interior shampoo.

DETAIL PACKAGE 4

☐ **The Ultimate Protection** - Full service Soft Cloth car wash, Paint restoration (clean and polish paint finish), Wax paint finish, Exterior chrome and trim cleaned and polished, Doors, hood and trunk jams cleaned, Wheels and tires cleaned, Armor All tires and bumpers, Complete interior shampoo.

EXPRESS & A LA CARTE DETAIL SERVICES

☐ Fuller's Fast Wax

☐ Fuller's Interior Spiff

☐ Including Seats

☐ Shampoo Carpets & Mats

☐ Special Wheel Cleaning

☐ Complete Interior Shampoo



Misc

L/O/F

TOTAL

232.95

Paid
CC
CC

169.95